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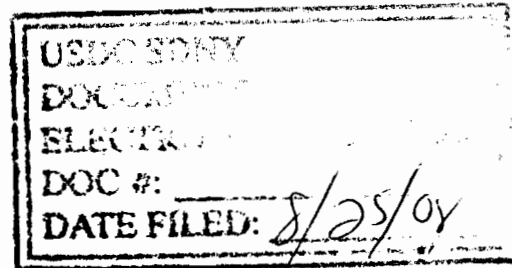
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MEMORANDUM ENDORSEMENT

August 21, 2008

BY FAX

The Honorable Gabriel W. Gorenstein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 510
New York, NY 10007



Re: *Cesario et al. v. BNI Construction, Inc. et al.*
No. 07 Civ. 8545 (LLS) (GWG)

Dear Judge Gorenstein:

I represent plaintiffs in the above-referenced matter and I respectfully write pursuant to Your Honor's Individual Practice I.E. to request an extension of time to file and serve our Proposed Findings of Fact and Conclusions of Law concerning damages and other monetary relief permitted under the February 13, 2008 default judgment in this case (the "inquest submission"). As the Court is aware, defendants have failed to appear in this matter. Dkt. No. 12.

Per the Court's July 17, 2008 Scheduling Order, our inquest submission currently is due September 2, 2008. Dkt. No. 13. We request that this date be extended by ten (10) calendar days to September 12, 2008. We have requested no previous extensions. We request this extension because counsel's schedule and other obligations prevent us from meeting the September 2 deadline. We have not sought defendants' consent in the extension because our many attempts to contact them since filing this case have failed, therefore an attempt to contact them now would likely be futile as well. See Dkt. No. 12. We concurrently are providing copies of this letter to defendants by messenger and by U.S. Postal Mail at the addresses at which they were served with the Complaint and to which the July 17 Scheduling Order was mailed. In any event, defendants' failure to appear demonstrates that they will not be prejudiced by the brief extension that we seek.

The requested extension presumably would require a 10-calendar-day extension of defendants' time to respond to the inquest submission, from October 1, 2008 to October 11, 2008. No other schedule changes would be necessary.

Grated
SO ORDERED: DATE: 8/25/08
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

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The Honorable Gabriel W. Gorenstein, U.S.M.J.

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Please contact me with any questions. We appreciate Your Honor's consideration of this request.

Respectfully submitted,



Kerin E. Coughlin

cc: BNI Construction, Inc. (by messenger & U.S. Postal Mail)
Mikial Abdur-Rahim (c/o BNI by messenger, & by U.S. Postal Mail)
Musa [Last Name Unknown] (c/o BNI by messenger & U.S. Postal Mail)